

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

EARL FITZGERALD WEBB,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 3:20-CV-1063-WHA-KFP
	)	
RONALD L. MYERS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This case is before the court on the Recommendation entered by the Magistrate Judge on January 12, 2021 (Doc. #4) to which no timely objections have been filed. After an independent review of the file and upon consideration of the Recommendation, it is ORDERED that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. The federal claims challenging the constitutionality of Plaintiff's 1984 burglary conviction are DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as these claims are barred by the applicable statute of limitations.
3. Plaintiff's pendent state law tort claims are DISMISSED without prejudice to Plaintiff's right to present them to the appropriate state court as this court finds it inappropriate to exercise supplemental jurisdiction over these claims.
4. This case is summarily dismissed.

A separate Final Judgment will be entered.

DONE this 2<sup>nd</sup> day of February, 2021.

/s/ W. Harold Albritton  
SENIOR UNITED STATES DISTRICT JUDGE